

tenance of the Lunatic Asylum for the years 1860 and 1861, back to the Senate and recommended its passage.

On motion of Mr. Potter, the bill was taken up. Read 2nd time

Mr. Hart moved to strike out 50,000, and insert 15,000, which was lost by the following vote :

YEAS—Messrs. Guinn, Hart, Sims—3.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Gentry, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—20.

Mr. Guinn moved to strike out \$50,000 and insert \$25,000.

Mr. Schleicher called for a division of the question.

The question on striking out was put and lost by the following vote :

YEAS—Messrs. Guinn, Hart and Sims—3.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Herbert, Hyde, Parsons, Pitts, Paschal, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—21.

The bill was then passed to a 3rd reading. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Gentry, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—20.

NAYS—Messrs. Erath, Guinn, Hart, Rains and Sims—5.

A bill authorizing the county surveyor of Denton county, to transcribe the records of said county from the records of the late Denton land district. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading. Rule further suspended, read 3rd time and passed.

On motion the Senate adjourned until 10 o'clock, A. M., tomorrow.

FRIDAY, February 10th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to repeal the second section of an act approved January

17th, 1860, to authorize the commissioner of the General Land Office to issue patents on surveys heretofore made not in regular form according to law.

A bill to provide for the sale of the reservations of land ceded to the United States, for Indian purposes, by an act of the legislature approved February 6th, 1854.

A bill for the relief of certain persons therein named, in the counties of Nueces and Starr.

A bill regulating surveys of land.

A bill to incorporate the San Antonio Literary Association.

Mr. Dickinson, from the committee on Enrolled Bills reported the following bills correctly enrolled, duly signed, and this day presented to the Governor :

A bill for the relief of the heirs of Wm. H. Settle.

A bill to prohibit the sale of intoxicating liquors in the neighborhood of Soule University.

A bill supplementary to an act to provide for the registry of deeds and other instruments of writing.

A bill to legalize the 1st election of county officers of Montague county.

Joint resolution in relation to a mail route from Austin to El Paso.

A bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and of the act amendatory thereto, passed at the present session of the legislature.

A bill to incorporate the East Fork Bridge Company.

A bill to regulate estrays.

A bill for the relief of Leslie Combs.

A bill for the relief of Samuel Everett.

A bill to incorporate the Dallas Bridge Company.

A bill for the relief of John Smith.

A bill for the relief of William Woods.

A bill for the relief of William DeWoody.

A bill to reorganize the 16th judicial district of the State of Texas, and to define the time of holding courts therein.

A bill for the relief of the heirs of Wm. Z. Fleming, a settler in Mercer's colony.

A bill for the relief of W. D. Langham.

A bill to revive and continue in force, an act to incorporate the Jefferson R. R. Co., approved February 2nd, 1854.

A bill to pay certain persons for arresting John T. Shanks, and procuring testimony against him.

A bill to reorganize the 13th judicial district, and to fix the time of holding courts therein.

A bill for the relief of Addison Litton's heirs.

A bill authorizing the county court of Henderson county to levy a special tax.

A bill for the relief of John T. Willson, T. H. Robertson and the heirs of Mark Copeland, deceased.

A bill for the relief of Richard B. Wardroup.

A bill supplementary to and amendatory of an act to establish a Code of Criminal Procedure for the State of Texas.

A bill in relation to the location, survey and patenting of lands granted by the State to the Galveston and Brazos Navigation Company.

A bill to incorporate the Mystic Club at Woodville, Tyler county.

A bill to incorporate the Corpus Christi Bay and Brazos St. Iago Canal Company.

A bill for the relief of Thomas Blanton.

Joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary.

A bill to incorporate the Texas Mutual Insurance Company, at Boston.

A bill to fix the time of holding courts in the 19th judicial district.

A bill granting the right to R. B. Francis the right to build a bridge.

A bill for the relief of Lucretia Franklin.

A bill to authorize the county court of Fayette county to levy a special tax.

A bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1856.

A bill to incorporate the Southern Cotton Press and Manufacturing Company.

A bill for the relief of John E. Ross.

A bill to incorporate the Alamo Fire Association.

A bill to incorporate the West Fork Bridge Company.

A bill regulating the time of holding justices' courts in the 12th judicial district.

A bill to incorporate the trustees of the Baptist State Convention.

A bill to repeal an act supplemental to an act to change the time of holding the district courts of the 10th and 14th judicial districts, approved February 12th, 1858, and to amend the 7th section of an act to change the time of holding the district courts in the 10th and 14th judicial district, passed July 24th, 1856.

A bill for the relief of the Alabama Indians.

And a bill for the relief of William P. Tindall.

A bill supplementary to and amendatory of an act to incorporate the city of Corpus Christi.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to whom was referred the following bills :

- A bill for the relief of Wm. G. McDaniel.
- A bill for the relief of Samuel Arbuckle.
- A bill for the relief of Jesse Allsbury.
- A bill for the relief of Martha Brenin.
- A bill for the relief of Alexander Wheeler.
- A bill for the relief of Joel Williams.
- A bill for the relief of Thos. S. McFarland.
- A bill for the relief of William Price.
- A bill for the relief of heirs of Shelby Corzine.
- A bill for the relief of E. B. Russell.
- A bill for the relief of Samuel Everett.
- A bill for the relief of F. H. Dixon.
- A bill for the relief of John Murchison.
- A bill for the relief of Elsey B. Russell.
- The petition of Elijah Green.
- The petition of Allen Hooks.
- The petition of A. B. and Jesse Chism.
- The petition of heirs of William Young.
- The petition of Solomon Adams.
- The petition of Wm. D. Hittson.

The committee presume that the proofs to sustain these claims is of doubtful character, as they have ever been ready to hear and listen to evidence but have not heard the *first red* in their favor. The committee therefore recommend that they be referred to a chancery court at common law, where they will be sure to lay till Gabriel toots his horn.

The committee on Private Land Claims, to whom was referred the following House bills, beg leave to report them back for want of time to examine them, and ask to be excused from any further consideration:

Acts for the relief of James H. Browns, Wm. Means, heirs of Wiley Edson, Geo. H. Wilson, H. H. Edwards, Jas. F. White. All of which is respectfully submitted.

Mr. Duggan, chairman of the committee on Counties and County Boundaries, reported that the committee had considered the petition of sundry citizens of Kerr, Blanco and Bexar counties, asking the creation of a new county, and returned the same

to the Senate and asked to be discharged from its further consideration.

Mr. Duggan, chairman of the committee on Counties and County Boundaries, made the following report :

The committee on Counties and County Boundaries, to whom was referred a bill to change the boundary lines of Kerr and Blanco counties, have considered the same, and a majority of the committee have instructed me to report the same back to the Senate and recommend that it do not pass, for the following reasons. The bill creating the county of Blanco, is believed by a large majority of the people of Guadalupe county, " whose interest is detrimentally effected by the passage of the said bill," to be unconstitutional. Your committee find that the bill creating said county of Blanco materially changed the boundaries of Guadalupe county, and that Guadalupe county is not mentioned in the caption or body of said bill ; and that the county of Guadalupe claims jurisdiction over the territory taken from her by the passage of said law ; and that the district court of said county of Guadalupe has jurisdiction over the said territory, and that an appeal has been taken to the supreme court from said decision. Your committee are of the opinion that no action should be taken by the legislature, until said suit is disposed of by the supreme court. All of which is respectfully submitted.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a bill providing for the disposition of runaway slaves, reported the same to the Senate and recommended the passage of the bill.

Mr. Schleicher, from the committee on Counties and County Boundaries, made the following report of the minority:

The undersigned minority of the committee on Counties and County Boundaries, to whom was referred a bill to change the boundary line of Kerr and Blanco counties, originating in the House of Representatives, dissent from the report of the majority of said committee in this: The majority report recommends that no action shall be had in this matter until a suit brought by the county of Guadalupe for the annulling the act creating the county of Blanco, now pending shall be decided. The undersigned can see no reason why said suit should influence the action of the legislature on this subject, and can perceive no connection between that suit and the objects sought to be attained by the passage of the bill, as no possible decision of said suit could remove the grievances justly complained of by the petitioners on whose petition the House of Representatives acted. The county of Blanco has been created without the knowledge and contrary

to the wishes of many of its inhabitants, but no part of them have more reason for just complaint than the residents of the two settlements Boerne and Sisterdale. The present western line of Blanco county cuts these settlements from their neighborhood and from the region where all their business is concentrated, while it attaches them to a county from the settled portion of which they are separated by almost impassable mountains, through which no wagon road can be made, all the inhabitants of these settlements pray for a change of their unsupportable condition, and the only practicable change is the one enacted by the House of Representatives, by changing the boundary line between Kerr and Blanco counties, so as to attach those settlements to the county of Kerr. The undersigned cannot admit the idea that the county of Guadalupe should have the power by any suit or otherwise to prohibit a just and reasonable measure of relief to a portion of the country separated from Guadalupe county by two intervening counties, they therefore recommend that the bill under consideration pass.

A message from the House informing the Senate, that the House had passed a bill making appropriations for the support of the State government, for the years 1860 and 1861, originating in the Senate.

The Private Land committee, Mr. Hyde chairman, reported a bill for the relief of M. F. Alexander and recommend its passage.

On motion the bill was taken up. Read 2nd time and passed to a 3rd reading, rule suspended, bill read 3rd time and passed.

Message from the House of the passage of the following bills;

Senate's bill to incorporate the Texas Cotton, Seed Oil and Manufacturing Company.

House bill to define the boundaries of Calhoun county.

Mr. Britton offered a resolution to rescind the resolution to adjourn on the 13th inst., and fixing the 29th, as the day of adjournment. Laid on the table.

A bill for the relief of Charles D. Ferris, on report of committee on Private Land Claims, recommending an amendment was taken up, amendment adopted and bill passed to a 3rd reading. Rule suspended, bill read 3rd time and passed.

A bill to encourage the building of Steam Boats, Steam Ships and other vessels in the State of Texas. Read 1st time.

A bill for the relief of Andreas Manchaca. Amendments of House concurred in.

A bill for the relief of Jose Leonardo Garza Trudo, amendments of House concurred in.

A bill to change the time of holding the district courts in 2nd

judicial district. Senate refused to recede from its amendments, and appointed Messrs. Townes and Duggan a committee of conference on said bill.

Mr. Sims moved to take up a bill to repeal the 20th section of act to incorporate the Memphis, El Paso and Pacific Railroad Company, upon which Mr. Throckmorton moved a call of the Senate, which was sustained.

Mr. Paschal moved to excuse the absent Senators who had left for their homes, upon which Mr. Hart moved a call of the Senate.

Mr. Paschal withdrew his motion to excuse.

Mr. Pitts offered the following resolution :

Resolved, That the messenger be instructed to procure from the State Printer any copies of the reports of the heads of the departments which he may have on hand for the use of the Senate, which Mr. Marshall proposes to furnish free of charge. Adopted.

Mr. Erath introduced a joint resolution instructing our delegation in congress relative to reimbursement for defence of our frontier. Read 1st time, rule suspended, read 2nd time.

Mr. Stockdale offered the following amendment :

"That they also endeavor to procure the passage of a law authorizing the President to muster into the service of the U. S. the regiment of Rangers authorized by this legislature to be called into the service of the State." Adopted.

Mr. Scarborough moved to amend by inserting at the proper place "and indemnity for losses sustained by the Cortinas difficulties on the Rio Grande frontier." Adopted, and bill ordered to be engrossed, rule suspended, bill read 3rd time and passed.

A message informing the Senate, that the House had passed a Senate bill to provide for the payment of supplies furnished Capt. William's company of Rangers, with an amendment, also a House bill to incorporate the American Agency.

And that Messrs. Anderson, Davis of Bastrop, Davis of Hays, Townes and Stewart, had been appointed a committee of conference on part of House, to a bill to change the times of holding courts in the 2nd judicial district &c. &c.

The committee on Mileage, having that subject under consideration, reported the following as the mileage to which each Senator is entitled, in coming to and returning from the seat of government.

NAMES	COUNTIES FROM	No. MILES	MILEAGE
Mr. Blanch,	Harrison,	700	\$140
Mr. Britton,	Nueces,	500	100
Mr. Chambers,	Titus,	750	150
Mr. Dickinson,	Panola,	700	140
Mr. Duggan,	Guadalupe,	120	24
Mr. Erath,	McLenman,	210	42
Mr. Fall,	Nacogdoches,	600	120
Mr. Gentry,	Harris,	360	72
Mr. Grimes,	Grimes,	275	55
Mr. Guinn,	Cherokee,	525	105
Mr. Harman,	Hopkins,	650	130
Mr. Hart,	Hunt,	575	114
Mr. Herbert,	Colorado,	230	46
Mr. Hyde,	El Paso,	1400	280
Mr. Lott,	Smith,	560	112
Mr. Martin,	Navarro,	400	80
Mr. Parsons,	Rusk,	600	120
Mr. Paschal,	Bexar,	160	32
Mr. Pitts,	Tyler,	600	120
Mr. Potter,	Galveston,	550	110
Mr. Quinan,	Wharton,	300	60
Mr. Rains,	Wood,	640	128
Mr. Rainey,	Anderson,	420	84
Mr. Scarborough,	Cameron,	800	160
Mr. Schleicher,	Bexar,	160	32
Mr. Shepard,	Washington,	200	40
Mr. Sims,	Red River,	750	150
Mr. Stockdale,	Calhoun,	340	68
Mr. Throckton,	Collin,	465	93
Mr. Townes,	Travis,	30	6
Mr. Walker,	Tarrant,	460	92
Mr. Wallace,	San Augustine,	620	124
Mr. Whaley,	Leon,	400	80

A. G. WALKER,
Chairman.

Mr. Rainey moved to take up a bill appropriating five leagues of land to each county of the State for the support and maintenance of free public schools, upon which the yeas and nays stood thus :

YEAS—Messrs. Duggan, Erath, Guinn, Harman, Hart, Herbert, Lott, Parsons, Pitts, Rains, Rainey, Scarborough, Shepard, Sims, Townes, Walker and Whaley—17.

NAYS—Messrs. Britton, Chambers, Fall, Grimes, Hyde, Paschal, Schleicher, Stockdale and Throckmorton—9.

Mr. Chambers moved to reconsider the vote just taken whereupon Mr. Stockdale moved a call of the Senate, which was sustained.

A bill granting land to actual settlers, on the report of a majority of the committee on Public Lands, recommending its rejection, also the report of the minority adversely thereto, was on motion of Mr. Walker, taken up. The report of the majority was lost by the following vote :

YEAS—Messrs. Duggan, Erath, Fall, Gentry, Grimes, Guinn; Herbert, Paschal, Potter, Schleicher, Sims and Stockdale—12.

NAYS—Messrs. Chambers, Dickinson, Harman, Hart, Hyde, Lott, Parsons, Pitts, Rains, Rainey, Scarborough, Throckmorton, Townes, Walker and Whaley—15.

The question was then on the passage of the bill to a 3rd reading.

Mr. Hart offered the following amendment :

Amend section 5, by striking out " that no persons not a resident of the State at the time of the passage of this act " and insert " that all persons." The yeas and nays were ordered upon the adoption of the amendment whereupon Mr. Britton moved a call of the Senate, which was sustained.

A bill to incorporate the American Agency. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill in relation to mineral lands, salt licks and salt springs, held in reservation by the State. Read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Hart, Hyde, Lott, Parsons, Paschal, Potter, Rains, Scarborough, Schleicher, Shepard, Sims, Stockdale and Whaley—19.

NAYS—Messrs. Britton, Guinn, Harman, Herbert, Pitts, Rainey, Townes and Walker—8.

A bill amending the several acts regulating proceedings in the district courts. Read 2nd time amendments of Judiciary committee adopted, and bill passed to a 3rd reading, rule suspended, read 3rd time and passed.

A bill to define the boundary lines between Erath and Comanche counties. Read 2nd time and ordered to be engrossed, rule suspended, read 3rd time and passed.

A bill to define the boundaries of Calhoun county. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

On motion the Senate adjourned until 7 1-2 o'clock P. M.

7 1-2 O'CLOCK, P. M.

Senate met—roll called—quorum present.

On motion of Mr. Scarborough, a bill to authorize the Governor to cause certain volunteers who engaged in the defence of Brownsville to be paid, was taken up by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Fall, Guinn, Harman, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Scarborough, Schleicher, Shepard, Sims, Throckmorton, Townes and Walker—21.

NAYS—Messrs. Hart and Rains—2.

The substitute offered by the committee on the Militia, was adopted.

Mr. Scarborough moved to amend by striking out all of the caption relating to the pay of volunteers, so that the same shall read "a bill to authorize the Governor to indemnify the citizens of Brownsville for losses in the late Cortinas difficulties.

Strike out 1st section. Lost.

Mr. Hart moved to print 200 copies of the bill for the use of the Senate. Lost.

Mr. Hart then moved to strike out "whereas" wherever it occurs in the bill. Lost.

Mr. Hart then offered the following amendment :

Sec. — The sum of \$15,000 or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the Jack county Rangers for defending and protecting the citizens of Jacksboro and the frontier of northwestern Texas, against the invasion and depredations of the Indians, provided the Governor shall approve of the same. Adopted.

The question on the engrossment of the bill was then put and lost.

A message was received from the Governor, which is as follows :

EXECUTIVE DEPARTMENT, }
February 8th, 1860. }

GENTLEMEN OF THE SENATE

and House of Representatives :

Believing that a sense of duty would impel me, prior to the adjournment of your honorable body, to call your attention to the condition of the Treasury, I addressed a note, on the 30th

ult., to Maj. C. R. Johns, Comptroller of the Treasury, whose reply is herewith submitted :

COMPTROLLER'S OFFICE, }
Austin, February 2, 1860. }

TO GEN. SAM HOUSTON, GOVERNOR, &c.—

Sir : In reply to your note of the 30th ult., I have to state that there will be required to meet the expenses of the government, including the balance due on the river appropriations, for the two years ending August 31st, 1861, the sum

of - - - - -	\$837,725 56
And for the payment of the outstanding debt of the late Republic - - - - -	127,542 87

\$965,268 43

The expense of keeping in the field one regiment of mounted troops, under the provisions of the act approved January 2nd, 1860, during the same time would be - - - - - 1,206,000 00

To which should be added the appropriations made and hereafter to be made by the present Legislature, for military and other extraordinary purposes, not embraced in the above estimates, but which, so far as known to this office, amount for military purposes, - - - - - 74,000 00

\$2,245,268 43

To meet which there was in the Treasury on the 31st August last, the sum of - - - - -	411,402 69
Amount transferred from University Fund - - - - -	106,972 26
Amount of two years revenue, 1859 and 1860 - - - - -	696,517 22
Amount advanced by the State for frontier protection, which should be refunded by the Federal Government, - - - - -	167,798 62

\$1,382,690 79

Thus showing a deficit in the revenue, 31st August, 1861, of - - - - - 862,577 64

\$2,245,268 43

From the following statement it will be apparent that there is not, at this time, any funds in the Treasury subject to appropriation.

Amount of State funds on hand for quarter ending November 30th, 1859 - - - - -	\$368,122 34
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Amount received from that date to February 1st, 1860, - - - - -	14,695 80
Total Fund on hand February 1st, 1860, -	\$382,818 14
Amount of Treasury Warrants paid during December and January last, - - - - -	117,127 16
Amount paid Members and Officers of the Legislature on Clerks' certificates, - - - - -	46,690 98
Balance due them, say - - - - -	40,000 00
Current expense of government for the month of January, unpaid, say - - - - -	30,000 00
Amount of public debt still outstanding, -	122,682 59
Amount undrawn on river appropriations, -	73,120 67
Amount of appropriations for frontier defence made by this Legislature 74,000 00	
Less amount paid, included above 27,529 54	46,470 46
Amount due on appropriations heretofore made -	50,000 00
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	\$526,091 86

To which should be added all other appropriations made at this session of the Legislature, but which are not, at present, known to this office.

(Signed) CLEMENT R. JOHNS, Compt.
 COMPTROLLER'S OFFICE, }
 Austin, February 3, '60. }

It will thus be seen that there was, on the first day of February last, in the Treasury \$143,273 72 less than the amount already appropriated. To this is to be added the additional appropriations made by the present Legislature, not reported by the Comptroller, say \$83,000 00. Of the \$382,818 14 in the Treasury, \$122,682 59 is set apart for the payment of our public debt, and \$73,120 67 for river appropriations, and \$50,000 due on appropriations, heretofore made. These appropriations being pledged for a specific purpose amounting to \$245,803 26, they should remain in the Treasury. Deducting these from the balance on hand February 1st, 1860, there was really subject to appropriation \$137,013 88. There had already been paid on the 1st of February, \$163,818 14, or 27,293 26 more than was really subject to appropriation, which latter amount was taken from the appropriated funds. There remained in the Treasury at that date, \$219,000 00, against which stands balance of appropriation for contingent expenses and per diem of Legislature, - - - - - \$63,309 02
 Expenses of government for month of January, - 30,000 00
 Amount set apart for public debt, - 122,682 59

Amount undrawn on river appropriation, -	-	73,120 67
Amount undrawn of \$74,000 appropriated to frontier defence -	-	46,470 46
Amount due on appropriations heretofore made, -	-	50,000 00
Additional appropriations made by the present Legislature up to 1st of February, say -	-	83,000 00
		<hr/>
		\$468,582 74
Probable additional cost of Rio Grande War, -	-	40,000 00
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		\$508,582 74
Amount in the Treasury, February 1st, -	-	219,000 00
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Deficit February 1st, -	-	\$289,582 74

As the act appropriating three hundred thousand dollars for the protection of the frontier provides that no money shall be drawn under the act, so as to leave "a deficit in the amount required of the current revenue from time to time to pay the ordinary current expenses of the government," the Legislature need but turn to the condition of the Treasury, herewith presented, to see that there will be no money in the Treasury for frontier defence, and that therefore, unless provision is made by the Legislature, our Rangers will have to go without pay and subsistence after the University fund is exhausted. As this fund, amounting to \$106,992 26 is only to be used as a loan on account of the defence of the frontier, it cannot relieve the present embarrassed condition of the Treasury. Had the act creating a State University been repealed, and the money placed in the general fund, the Treasury operations would have not so soon have been impeded.

The Executive has, in view of the condition of the Treasury, not felt justified in calling more troops into the field than is at present absolutely necessary. We may expect, however, that when grass rises in the spring, the Indians will come down in greater numbers, and that more Rangers, will be needed. The entire amount of the University fund will barely be sufficient to sustain the companies now in the field for six months. If the Regiment provided for in the "act for the protection of the frontier" is called out, the estimates made by the Comptroller show that the sum of \$1,206,000 00 will be necessary to sustain them in the field two years. This estimate is an exceedingly low one, and does not include mules, wagons, &c., which must necessarily be purchased. The embarrassing position of the Executive will at once be seen. The legislature have passed an

act providing for calling out a regiment of men. The frontier people, supposing that the Legislature has provided for their pay and subsistence, expect their appearance in the field; but the Legislature has not done so, and hence they cannot be called out.

There was in specie and bonds in the Treasury, on the 1st of February, \$219,000 00. The amounts enumerated by the Comptroller to meet the expenses of the Legislature, the current expenses for the month, the balance of \$74,000 00 on account of frontier defence, and the amount due on appropriations heretofore made, say \$50,000, in all amount to \$166,470 46. Nearly the whole of this amount will at once be pressing upon the Treasury. To meet it alone would have to exhaust every dollar set apart for the payment of the public debt, and \$43,787 87 of that belonging to the river appropriation fund. Of additional appropriations made by the present Legislature prior to 1st of February, at least \$50,000 will be needed in a few months, which would exhaust the balance of the river fund, and still leave a deficit; so that if the Legislature authorize the disbursing of every dollar in the Treasury, the amount will still fall short of the present demand upon it, and of the entire indebtedness of the State, on the 1st of February last, \$289,582 74.

The ordinary expenses of government estimated by the Comptroller \$413,862 78 per annum, which, deducting the river fund already enumerated, will be \$31,858 53 per month, are to be met. The cost of the Rio Grande War is to be paid. The expense of government alone, from the 1st of February until the 1st of June, will be \$127,434 12. No revenue will come in until that period. The entire amount then received from that source, according to the exhibit made by the Comptroller, will be \$343,268 61. The deficit in the operations of the government will then amount to \$417,016 86, independent of the extraordinary expenses on account of frontier defence. The entire revenue may be paid out and there will still be a deficit of \$68,755 25. The current expenses of government for the coming year will then be unprovided for, as no funds will come in until the 1st of June following—also such extra appropriations as have been made since 1st February.

The Legislature will see at once the necessity of providing for a revenue on the 1st of June, 1861, sufficient, not only to meet the deficit, but also to sustain the government for the next fiscal year. To do this, taxation is absolutely necessary. It is better that the people should at once suffer taxation to relieve the pre-

sent embarrassment, than that we should drift onward toward a heavy debt and utter bankruptcy.

It is by taxation that we can meet outstanding Treasury warrants ; and a just policy towards those who may hold them, requires that the deficit shall be met and the reputation of the State remain unsullied.

The vast patrimony, which it was hoped would relieve our *people* from the burthen of taxation has been wasted. We must look to the pockets of the people hereafter for revenue. Our lands are yearly legislated away, and it is perhaps idle to hope that a change in legislation will take place at this late day. The Executive still hopes that the measures of economy and reform, which he has presented to the Legislature will be adopted. His energies have been devoted towards overturning corruption and arresting abuses, but at every step he has been met by difficulties almost insurmountable.

The Executive had hoped that in case the Legislature saw proper to authorize the use of the money set apart for the public debt, he would be able to use that money economically and thus sustain the government, until the revenue from taxation comes in : but he has been disappointed to find that the greater part, if not all, of this money, has already been paid out upon the warrant of the Comptroiler, thus making it essentially necessary that means shall be provided by the Legislature.

Events may transpire to control the action of the Executive in reference to calling troops into the field for frontier defence. If the means are placed at his command he will be justly responsible, if the country is not defended. If not, the mere fact that he has been authorized to call out a regiment of men, does not justify complaint. The Executive is looking anxiously towards a settlement of our difficulties upon the Rio Grande ; but he may yet be compelled by the force of circumstances to call into the field the entire force at his command. If by earnestly pressing our condition upon the attention of the General Government, a resort to our own resources can be avoded, it shall be done, but the Legislature should at last provide for the expenditures which it has authorized, leaving the Executive free and untrammelled in his action. If left in this destitute situation and required to sustain the government, he should not meet with co-operation of the co-ordinate departments of it, he will at least enjoy the satisfaction of knowing that a failure has not arisen from any delinquency of his own.

SAM HOUSTON.

A message was received that the House had passed the following bills :

A bill to create the county of Wilson.

A bill to provide for the organization of Militia of the State of Texas, with an amendment.

A bill to authorize the county court of the county of Nueces to levy a special tax.

A bill to provide for the sale of reservations of land ceded to the United States for Indian purposes by an act of the Legislature, approved February 6th, 1854.

And that the House had passed a substitute for the Senate bill entitled an act supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

A House bill to incorporate the Kaufman University.

And that the House had passed a substitute "as recommended by the committee of Conference" for a bill to change the times of holding courts in the 2nd judicial district and to require the clerks therein to apportion the dockets of their respective counties.

And that the House concurred in Senate's amendments to the following House bills :

A bill for the relief of Charles D. Farris.

A bill granting 1 league of land each to Dennis Mead, Richard Mead and — — Eastland.

A bill amending the several acts regulating proceedings in the district court.

And a bill to prevent judgments from becoming dormant; and refused to concur in the Senate's amendments to a House bill for the relief of the Buffalo Bayou, Brazos and Colorado Company or their assignees.

On motion of Mr. Sims a bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company, was taken up. The report of the committee recommending amendments.

Mr. Hart moved to lay the report on the table. Lost by the following vote :

YEAS—Messrs. Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Pitts, Potter, Rains, Sims and Stockdale—12.

NAYS—Messrs. Blanch, Britton, Chambers, Erath, Gentry, Herbert, Hyde, Lott, Paschal, Scarborough, Schleicher, Shepard, Throckmorton, Townes and Walker—15.

The amendments of committee were then adopted by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Erath, Gentry, Harman, Herbert, Lott, Parsons, Paschal, Scarborough, Schleicher, Throckmorton, Townes and Walker—15.

NAYS—Messrs. Duggan, Fall, Grimes, Guinn, Hart, Pitts, Potter, Rains, Shepard and Sims—10.

Mr. Paschal moved to amend as follows :

Strike out the words "on each share." Lost.

The bill was then passed to a 3rd reading.

The question on the suspension of the rule was then put and carried by a unanimous vote. Bill read 3rd time and passed by yeas and nays as follows :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Pitts, Rains, Schleicher, Shepard, Sims, Throckmorton and Townes—21.

NAYS—Messrs. Blanch, Lott, Paschal, Potter, Scarborough and Walker—6.

Mr. Townes introduced a bill supplementary to an act to reorganize the Court of Claims and extend the time for the presentation of claims for land against the Republic or State of Texas, approved February 7th, 1860. Read 1st time, rule suspended, read 2nd time.

Mr. Shepard moved to amend as follows : Insert "if living, if dead to their heirs." Lost.

Mr. Potter offered the following amendment : "No certificate shall be issued under the provisions of this act unless the applicant would have been so entitled under the provisions of the act of December 18th, 1837, entitled an act making provisions for persons who have been permanently disabled in the service of the country. Adopted and bill ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill to incorporate the American Agency. Read 2nd time.

Mr. Gentry moved to lay the bill on the table, upon which the yeas and nays stood thus :

YEAS—Messrs. Chambers, Erath, Gentry and Harman—4.

NAYS—Messrs. Blanch, Dickinson, Grimes, Guinn, Hart, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Rains, Schleicher, Shepard, Sims, Throckmorton, Townes and Walker—19.

Mr. Gentry moved to amend so as to require the stockholders to pay the per cent. on shares taken *in cash* instead of the per cent. on said shares being payable in bonds, notes, &c., &c., as stated in the bill. Lost.

Mr. Gentry then offered the following amendment :

Sec — "That the company shall not commence operations until after it shall have given satisfactory evidence to the Governor of the State, that the company has the control of at least one million of dollars for its legitimate business purposes. Lost.

The bill was then passed to a 3rd reading.

Mr. Parsons moved to make special order for to-morrow 11 o'clock. A. M.

Mr. Rainey moved to adjourn until to-morrow at 10 o'clock, A. M. Carried.

SATURDAY, February 11th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

On motion of Mr. Shepard, the rule was suspended, and a bill to incorporate Washington Collegiate Female Institute, in Washington county, was taken up, read and passed to a 3rd reading. Rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Fall, Gentry, Grimes, Hart, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Sims, Throckmorton, Townes, Walker and Whaley—23.

NAYS—none.

On motion of Mr. Blanch, a bill supplementary to an act incorporating the city of Marshall, in Harrison county, was taken up, read and passed to a 3rd reading, rule suspended, read 3rd time and passed.

Mr. Hyde offered the following resolution :

Resolved, That the Secretary of the Senate index the journals of the Senate, as well as the papers in his possession, as Secretary of the Senate, placing the same in proper position so as to form a ready reference to the petitions, bills and resolutions that have been presented to, and acted upon by the Senate at its present session ; and that he be allowed five dollars per day for such services while actually employed, not to exceed sixty days, to be paid out of the contingent fund. Adopted.

A message was received from the House informing the Senate, that the House had passed the following bills, viz :

A bill for the relief of certain persons therein named.

A bill regulating the fees of the General Land Office.

A bill supplementary to an act to reorganize the Court of